

# **EMERGENCY PROCLAMATION/REGULATIONS**

**Norton N. Bonaparte, Jr., ICMA-CM**  
**City Manager**  
**City of Sanford, Florida**

**WHEREAS**, on March 16, 2020, the City Manager of the City of Sanford issued a Proclamation under the provisions of Chapter 2, Article VII, Division 2 of the *Code of Ordinances of the City of Sanford* which Proclamation declared a state of local emergency pertaining to all territory within the legal boundaries and jurisdictional limits of the City of Sanford; and

**WHEREAS**, Resolution Number 2862 was adopted on March 19, 2020, by the City Commission of the City of Sanford under the provisions of Chapter 2, Article VII, Division 2 of the *Code of Ordinances of the City of Sanford* which Resolution confirmed the Proclamation that the City Manager had issued; and

**WHEREAS**, since those initial expedient actions, the situation involving the outbreak of COVID-19 has been challenging from both a Nationwide and a Statewide context and the City has worked diligently to address the outbreak at the local level; and

**WHEREAS**, since those initial expedient actions, both National and Statewide actions have been taken in order to protect the public health, safety and welfare; and

**WHEREAS**, the restaurants located within the City Limits of the City are a dynamic and vibrant part of the City; and

**WHEREAS**, local businesses have been devastated by the COVID-19 crisis and many operations are closed or barely open because of the requirements for social distancing or the prohibition of dine-in eating; and

**WHEREAS**, throughout our Nation, restaurants have been one of the hardest-hit sectors of the U.S. economy and, to compound the problem, they may also be among the last businesses allowed to return to normal operations; and

**WHEREAS**, it is in the public interest to do that which can be done to lower the operational costs of restaurants and give restaurant operators more opportunities to conduct business; and

**WHEREAS**, it has become all the more clear in the current environment that local restaurants are essential to communities and their social and cultural fabric; and

**WHEREAS**, the City has been taking actions during the state of emergency to address, insofar as it can, the financial problems faced by the citizens, businesses and customers of the City's businesses; and

**WHEREAS**, in order to stay functioning to a most limited extent, some restaurants have been restricted to offering customers take-out and delivery services while trying to retain employees and serve the public; and

**WHEREAS**, if customers of restaurants are spread out and served in the open air, the risk of infection may be dissipated to a significant extent if service is accomplished in accordance with medical and other guidance; and

**WHEREAS**, this Proclamation is authorized under the provisions of Section 252.46, *Florida Statutes*; Chapter 2, Article VII, Division 2 of the *Code of Ordinances of the City of Sanford*; and applicable Executive Orders and, further, this Proclamation is not inconsistent with any Executive Order issued to address the COVID-19 outbreak.

**NOW, THEREFORE, AS CITY MANAGER OF THE CITY OF SANFORD, IT IS PROCLAIMED AS FOLLOWS:**

(a). I, Norton N. Bonaparte, Jr., City Manager of the City of Sanford, do hereby adopt and issue the emergency regulations set forth herein which are necessary due to the coronavirus emergency.

(b). With regard to the use of City sidewalks, City owned areas, and right-of-way (hereinafter "public spaces" whether used in the singular or plural) and the expansion of restaurants into vacant abutting space:

(1). As to restaurants that have been issued a sidewalk café permit by the City under the provisions of Section 20.0 (Right-of-way use in Special Commercial (SC-3) Zoning) of the City's *Land Development Regulations (LDRs)*:

(A). The City will consider issuing a temporary license/permit to expand the use of sidewalks and other abutting or proximate public spaces for use in serving patrons. No fee will be charged for any application for such use.

(B). Seminole County's "Social Distancing for Reopening Order" shall be adhered to which, as of the date of this Proclamation, provides for the following conditions:

(i). All employees and patrons must practice social distancing by staying at least six (6) feet apart.

(ii). Both employee and patron must wear a face mask/covering; unless the customer wearing the mask would impede the service (while eating or drinking), in which case the service provider would continue to wear a face mask/covering.

(iii). Occupancy shall be limited to 25% of the maximum allowable capacity under the Fire Code.

(iv). Checkout points and staging areas must be monitored by the establishment to ensure adherence to social distancing requirements by means of marking floors or similar actions to maintain six (6) feet of distance between clients.

(C). The license/permit shall specify whether the business or the City will place tables and chairs in the new public spaces to be used and the number that is permitted. Signage shall be installed, acceptable to the City, advising all persons of social distancing requirements and shall state "use at your own risk". The permittee/licensee shall ensure that each table and all chairs are clean and sanitized between uses. The permit may require that plating and cutlery be disposable.

(D). The licensee/permit holder shall install trash cans, acceptable to the City, on site on which signage shall be placed stating "do not touch or move". All trash cans shall be emptied in an appropriate dumpster when full and at the end of each business day.

(E). All requirements of Section 20.0 of the Land Development Regulations shall be applicable, to the extent practicable, as determined by the City, to all licensed/permitted uses; provided, however, that the permitted/licensee shall provide an indemnification of the City pending any changes to insurance policies resulting from the additional usage of public spaces. Without limiting generality of the foregoing, the requirements of the *Americans With Disabilities Act* relative to access shall be adhered to at all times.

(F). Customers shall be offered hand sanitizer before service is commenced and adequate soap and water shall be available in all rest rooms together with hand sanitizer. No touch payment shall be implemented to the maximum extent practicable.

(G). The City will execute any form that may be appropriate to expand the "licensed premises" as defined in Section 561.01(11),

*Florida Statutes*<sup>1</sup>; provided, however, that it shall be the responsibility of the licensees to maintain compliance with controlling State law and said licenses to address any and all issues that may arise with regard to the Florida Division of Alcoholic Beverages and Tobacco of the Florida Department of Business and Professional Regulation.

(H). Smoking in public spaces that are authorized for use under this Proclamation is not permitted and this Proclamation shall not authorize smoking in any areas that is subject to the provisions of the Florida Clean Indoor Air Act as set forth in Part II, Chapter 386, Florida Statutes.

(2). As to restaurants which have not been issued sidewalk café permits by the City, but desire to temporarily use public spaces for outdoor seating:

(A). The City will consider issuing a temporary license/permit and a temporary development order to temporarily allow the use of sidewalks and other abutting or proximate public spaces for use in serving patrons. No fee will be charged for any application for such use.

(B). Subsections (b) (1) (B) through (H) above shall be applicable.

(C). An application under the provisions of Subsection (b) (3) and this Subsection may be filed together.

(3). As to restaurants that desire to temporarily expand their use into abutting currently vacant premises:

(A). The City will consider issuing a temporary development order to temporarily allow the use of abutting properties for use in serving patrons when it is demonstrated that the abutting property owner has consented to such use. No fee will be charged for any application for such use.

(B). Subsections (b) (1) (B), (F), (G) and (H) above shall be applicable.

(C). An application under the provisions of Subsection (b) (2) and this Subsection may be filed together.

(4). In specific circumstances to fulfill the goals of this Proclamation,

public spaces may be temporarily closed relative to their normal uses.

(5). When appropriate, out door seating may be permitted in public spaces.

(c). The prior actions of the City in response to the COVID-19 pandemic and the state of emergency relating thereto are hereby ratified and affirmed.

(d). City staff shall evaluate the potential benefits that may be derived from ordinances amending the City's *LDRs* relating to sidewalk cafes and addressing potential future states of emergency.

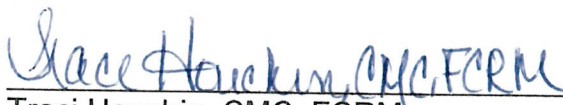
(e). Nothing in this Proclamation shall be deemed in any way to waive the City's sovereign immunity or to waive any legal right, remedy, immunity or defense available to the City under controlling law.

(f). This Proclamation and the emergency regulations set forth herein shall become effective immediately upon its execution and the City Clerk shall provide for its widest practicable dissemination as well as specifically transmitting a copy to the Mayor and the City Commissioners of the City. This Proclamation will be in effect until the expiration of the current state of local emergency or until terminated by the issuance of a subsequent proclamation, whichever occurs first.

**IN WITNESS WHEREOF**, I have hereunto  
Set my hand and caused the Seal of the City  
of Sanford, Florida, to be affixed this 4th day of  
May, 2020.

Norton N. Bonaparte, Jr., ICMA-CM  
City Manager

ATTEST:

  
Traci Houchin, CMC, FCRM  
City Clerk



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<sup>1</sup> The definition reads as follows:

"Licensed premises" means not only rooms where alcoholic beverages are stored or sold by the licensee, but also all other rooms in the building which are so closely connected therewith as to admit of free passage from drink parlor to other rooms over which the licensee has some dominion or control and shall also include all of the area embraced within the sketch, appearing on or attached to the application for the license involved and designated as such on said sketch, in addition to that included or designated by general law. The area embraced within the sketch may include a sidewalk or other outside area which is contiguous to the licensed premises. When the sketch includes a sidewalk or other outside area, written approval from the county or municipality attesting to compliance with local ordinances must be submitted to the division to authorize inclusion of sidewalks and outside areas in licensed premises. The division may approve applications for temporary expansion of the licensed premises to include a sidewalk or other outside area for special events upon the payment of a \$100 application fee, stipulation of the timeframe for the special event, and submission of a sketch outlining the expanded premises and accompanied by written approval from the county or municipality as required in this subsection. All moneys collected from the fees assessed under this subsection shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund.